



# भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

## PRESS RELEASE DATED 17.05.2020

Extract of the Minutes of the Meeting of the General Council of the Bar Council of India held on 17.05.2020 through Video-Conferencing

### RESOLUTION:-

1. The Bar Council of India has taken note of the developments emerging after the resolution dated 10.05.2020 whereby certain orders were made in the interest of Supreme Court Bar Association and the Executive Committee of the Supreme Court Bar Association was requested and directed to undo the resolution dated 08.05.2020 suspending Mr. Ashok Arora, the duly elected Honorary Secretary and simultaneously Mr. Ashok Arora was directed to convene at an appropriate time (after lifting of lockdown) the meeting of General Body of Supreme Court Bar Association and place the entire contentious and pending issues before General Body.
2. Needless to emphasize again that the constitution/Rules of the Supreme Court Bar Association, does not contain any provision empowering the Executive Committee to suspend or remove from the elected office, a duly elected member or office bearer of Supreme Court Bar Association for the simple reason that the Executive Committee does not elect its Office Bearers and it is the General Body of Members of Supreme Court Bar Association who elects Executive Committee Members and office bearers directly through a democratic process of secret ballot.
3. After examining the Rules/Bye Laws of Supreme Court Bar Association only, this Council had taken the Resolution dated 10.05.2020, finding that the concerned Members of the Executive Committee had acted illegally and unlawfully and had violated and encroached upon the rights, privileges and interests of thousands of Members of Supreme Court Bar Association. Apart from putting Mr. Ashok Arora, the elected Secretary of Supreme Court Bar Association to mental agony, the order of Executive Committee has also adversely affected his reputation among the society. Under the Advocates Act, 1961, it is the duty of Bar Council to safeguard the rights, privileges and interests of Advocates. Here it was/is the question of rights of thousands of Advocates of Supreme Court.
4. This Council vide its Order dated 10.05.2020 had simply referred the matter back to General Body of Supreme Court Bar Association for a final decision on the issue. The Council has paid full respect to the Supreme Court Bar Association; the order of stay was passed when it was found apparently that the Executive Committee of Supreme Court Bar Association has absolutely no authority to suspend/remove any Member (what to talk of the Secretary of Supreme Court Bar Association who is the Chief Executive Officer of the Association under the Rules of Apex Court Bar).

5. The Council is pained to note that a few Members of Executive Committee of Supreme Court Bar Association, not only illegally refused to comply with this Council's resolution dated 10.05.2020, but have also used derogatory, defamatory, abusive or filthy words for the Council and its Members. The statements and comments issued by Mr. Dushyant Dave, President, Supreme Court Bar Association, the letter dated 12.05.2020 sent to Bar Council of India by Mr. Rohit Pandey (the purported Acting Secretary), both of which appeared on social and electronic media and messages and comments exchanged by Ms. Ritu Bhardwaj, Members of Executive Committee among themselves and brought to our notice, betray a clear and hostile design of these Members of Executive Committee to disregard, defame and flout the most innocuous and reasonable directions contained in Bar Council of India's unanimous resolution dated 10.05.2020, which was passed, keeping in view the dignity and prestige of the Supreme Court Bar Association.
6. We have also gone through the contents of a complaint supplemented by another complaint dated 13.05.2020 by Mr. Sandiv Kalia, a Member of Supreme Court Bar Association. He has annexed several documents therewith requesting for taking disciplinary action against six Members of Executive Committee of Supreme Court Bar Association for their acts of misconduct alleged in the complaint.
7. After taking a holistic view of the facts, circumstances and developments that have emanated post 8<sup>th</sup> May, 2020 resolution of Executive Committee of Supreme Court Bar Association, representation dated 10.05.2020 by Mr. Ashok Arora, Resolution by Bar Council of India dated 10.05.2020, statements in social and/or electronic media by the above named Members of Executive Committee of Supreme Court Bar Association, messages exchanged by these Members of Executive Committee and the improper indecent letter dated 12.05.2020 by Mr. Rohit Pandey addressed to Secretary, Bar Council of India, we are of the prima facie view that the Members of Supreme Court Bar Association, namely, Mr. Dushyant Dave, Senior Advocate, Mr. Rohit Pandey and Ms. Ritu Bhardwaj, Advocates have committed acts of misconduct punishable under Section-35, 36 and other relevant provisions of Advocates Act, 1961 read with Bar Council of India Rules and they deserve to be proceeded with for appropriate action as per provisions of law.
8. They have used derogatory, defamatory and/or filthy words and have acted in most improper, unlawful and indecent manner which cannot be said to be befitting to their status as Advocates (more so as the office bearers of the Bar Association of Apex Court). This can never be a gentleman's behavior as expected from an Advocate under the Advocates Act, 1961 or under the Bar Council of India Rules.
9. The Bar Council of India has acted fully within its powers under the Advocates Act, 1961 and the question, whether a Bar Council has got power or control over any Bar Associations, has been very well clarified in many cases by Hon'ble Apex Court. Even in recent past, the Hon'ble Apex Court has issued directions to Bar Council of India and the State Bar Councils on several occasions and has ordered to issue directions to the erring Bar Associations and also to take stern appropriate actions against their office-bearers (in case they flout the directions of Bar Councils). In cases of Uttarakhand, Odisha etc. the Hon'ble Apex Court has clarified the powers of Bar Councils recently. Therefore, the comments made by Mr. Dave, Mr. Rohit Pandey and Ms. Ritu Bhardwaj are deliberate attempts to perpetuate their illegal and unlawful acts.

10. The action of Mr. Dave and a few other Members of Executive Committee to allow Mr. Rohit Pandey to act as Acting Honorary Secretary is further perpetuation of gross unlawful act; which we hope and expect that the General Body of Supreme Court Bar Association will certainly examine and deal with at appropriate time.
11. The Council, after thorough discussion and deliberation, unanimously resolves to direct the Secretary, Bar Council of India to issue notices to (i) Mr. Dushyant Dave; (ii) Mr. Rohit Pandey; and (iii) Ms. Ritu Bhardwaj (all office bearers or Members of Executive Committee of Supreme Court Bar Association) asking them to show cause as to why appropriate disciplinary action be not taken and the proceeding for punishment under Section-35 and 36 of the Advocates Act, 1961 read with Bar Council of India Rules be not initiated against them.
12. The Secretary, Bar Council of India to enclose with the notice, the statements issued by these people and derogatory and defamatory comments made in media (as well Social Media).
13. The reply to said notice/s must reach the office of Bar Council of India within a period of 15 days from the date of receipt of notice, failing which it will be deemed that the noticees have nothing to say in reply to the notices.

[This agenda was presided over by the Hon'ble Vice-Chairman, Bar Council of India Mr. Satish A. Deshmukh as the Hon'ble Chairman, Mr. Manan Kumar Mishra did not participate, because he is a Member and Voter of Supreme Court Bar Association.]

Resolved accordingly.

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